

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL GARZA,

Plaintiff,

v.

CITY OF VISALIA, et al.,

Defendants.

Case No. 1:21-cv-01203-SAB

ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULE AND FILE
AMENDED COMPLAINT

(ECF Nos. 18, 19)

Plaintiff initiated this action against Defendants City of Visalia, Police Officer Mudo and other DOE officers on August 9, 2021. (ECF No. 1.) On January 21, 2022, the Court issued a scheduling order. (ECF No. 18.) Pursuant to the scheduling order, the deadline to file any motion or stipulation requesting leave to amend the pleadings was set for March 18, 2022. (Id. at 2.)

On May 25, 2022, the parties filed a stipulation requesting leave for Plaintiff to file an amended complaint, which the Court construes as a stipulated motion to modify the scheduling order and to grant leave to file an amended complaint. (ECF No. 19.) The parties proffer that, after receiving discovery responses from Defendants, Plaintiff learned for the first time the names and identities of three officers previously identified in the complaint as DOE officer defendants. After meeting and conferring, the parties agreed to stipulate to permit Plaintiff leave

1 to file an amended complaint to identify the DOE officer defendants as Chris Fernandes,
2 Samantha Gonzales, and Anthony Chandler. Even though the parties seek leave to amend after
3 the deadline to amend has passed, the parties proffer permitting amendment at this time would
4 serve the best interest of all parties and not prejudice anyone. Plaintiff requests leave to file the
5 proposed amended complaint within ten days of any order granting leave to amend. The Court is
6 satisfied that good cause exists to grant the parties' requested relief.

7 Accordingly, good cause appearing and pursuant to the stipulation of the parties, IT IS
8 HEREBY ORDERED that:

- 9 1. The parties' stipulated motion to modify the schedule to extend the deadline to
10 amend the pleadings to permit Plaintiff leave to file an amended complaint (ECF
11 No. 19) is GRANTED;
- 12 2. Plaintiff is GRANTED leave to file an amended complaint to add Officers Chris
13 Fernandes, Samantha Gonzales, and Anthony Chandler as additional Defendants.
14 Plaintiff shall filed the proposed amended complaint no later than **June 6, 2022**;
- 15 3. Plaintiff shall promptly serve Officers Chris Fernandes, Samantha Gonzales, and
16 Anthony Chandler and file proofs of service with the Court no later than **June 27,**
17 **2022**;
- 18 4. Defendants' responses to the first amended complaint shall be filed no later than
19 **July 27, 2022**; and
- 20 5. All other aspects of the scheduling order continue to remain in effect.

21 IT IS SO ORDERED.

22 Dated: **May 25, 2022**

23 
24 UNITED STATES MAGISTRATE JUDGE